IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2680 of 2005

Between:

1 A. Ganesh, S/o Balaraj,
R/o Kothur Village and Mandal, Mahabubnagar District.
2 R. Bheemi Reddy, s/o Sai Reddy,
r/o Srinivasanagar Colony, Ring Road, Mehdipatnam, Hyderabad.
3 V. Sudhakar Reddy, s/o Satti Reddy,
R/o Radhakrishna Nagar, Attapur Ring Road, Hyderabad.
4 K. Srinivasa Reddy, s/o Ramachandra Reddy,
R/o APHB Colony, Moulali, Hyderabad.
5 M. Satyanarayana, s/o Late M. Shankaraiah,
R/o Chandrayangutta, Hyderabad.
6 K. Ramulu Naik, s/o K. Naik,
r/o Upparapalli, Rajendranagar,Hyderabad.
7 K. Seetaram Naik, s/o Ramsingh Naik,
R/o Upparapalli, Rajendrangar, Hyderabad.
8 Y.Lakshmi, w/o Vijaya Babu,
R/o Plot No.1, H.No. 13-6-433, Netaji Nagar, Hyderabad.

..... PETITIONERS

AND

1 The District Panchayat Officer and Member Convener of the District Level Sand Committee, Mahabubnagar.
2 The Mandal Revenue Officer, Devarakadra Mandal, Mahabubnagar District.
3 The Station House Officer, Devarakadra Police Station, Devarakadra Mandal, Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the respondents in not releasing the vehicles belonging to the petitioners seized on 11-2-2005 as illegal arbitrary and consequently direct the respondent to release the vehicles forthwith by collecting the penalty.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court at the admission stage made the following :

O R D E R:

This writ petition is filed aggrieved by the alleged inaction on the part of the respondents in releasing the vehicles belonging to the petitioners, which were seized on 11-02-2005.

The petitioners stated that on 11-02-2005 the vehicles belonging to them were seized by the second respondent on the alleged ground that the vehicles were involved in unauthorized transportation of sand. The petitioners further stated that as per Clause (b) of Rule 9 of the Andhra Pradesh Minor Mineral Concession Rules, 1966, (hereinafter referred to as 'the Rules'), the seized vehicles along with the material can be returned on collection of penalty as decided by the District Level Committee and that as a matter of fact, the District Level Committee in exercise of such powers, by order dated 22-01-2005 released a lorry bearing No. AP 13W 6276 which was also seized under similar circumstances. The grievance of the petitioners is that in spite of the fact that they made a representation requesting release of the vehicles, the respondents failed to consider the same. Hence, this writ petition.

Nothing has been placed before this Court to show that the petitioners have made any such representation before the respondents seeking release of the seized vehicles. In the circumstances, the writ petition is disposed of granting liberty to the petitioners to make an appropriate application before the first respondent seeking release of the seized vehicles, within a period of one week from today, in which event, the first respondent as well as the District Level Committee shall consider the same and pass appropriate orders in accordance with law within a period of two weeks thereafter. No costs.

_____

(**G. ROHINI, J**)

Date: 16-02-2005

Note:

Issue CC by tomorrow.

B/o

ghn

To

1 The District Panchayat Officer and Member Convener of the District Level Sand Committee, Mahabubnagar.

2 The Mandal Revenue Officer, Devarakadra Mandal, Mahabubnagar District.

3 The Station House Officer, Devarakadra Police Station, Devarakadra Mandal, Mahabubnagar District.

4 Two CCs to the Government Pleader for Panchayatraj and Rural Development, High Court of A.P., Hyderabad.(O.U.T)

5 Two CD copies.